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PATENT TRADEMARK OFFICE

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. 12964US03

*In the Application of:*

Kenneth D. Roos and  
 Kevin J. Archer

*U.S. Serial No.:* Unassigned*Filed:* October 23, 2001

*For:* METHODS OF INCORPORATING  
 PHOSPHATE/BORATE FIRE  
 RETARDANT FORMULATIONS  
 INTO WOOD BASED COMPOSITE  
 PRODUCTS

*Examiner:* Unassigned*Group Art Unit:* Unassigned

Express Mail No. EL929181811US

RECEIVED  
 FEB 13 2002  
 OFFICE OF PETITIONS  
 DEPUTY A/C PATENTS

**Petition to Grant The Date Of Deposit  
 To Correspondence Mailed By Express  
 Mail And Not Received By The USPTO  
 (37 CFR § 1.10)**

Commissioner for Patents  
 Washington, D.C. 2021

Sir:

On October 23, 2001, the applicants mailed the attached new patent application; including a specification, one drawing figure, a transmittal letter, and a pre-addressed return postcard receipt; in an envelope addressed as set out in Section 1.1(a), to the United States Patent and Trademark Office with sufficient postage utilizing the "Express Mail Post Office to Addressee" service of the United States Postal Service. This correspondence apparently was not received by the United States Patent and Trademark

Office, as the postcard receipt filed with the correspondence has not been returned to date. The applicants therefore petition the Commissioner to consider such correspondence as being filed in the United States Patent and Trademark Office on the original United States Postal Service deposit date.

This petition is being filed promptly after the undersigned attorney became aware that the United States Patent and Trademark Office has no evidence of receipt of the correspondence. The undersigned attorney discovered this fact on January 13, 2002, when he noticed that the post card receipt indicating the application serial number had not been returned. Since this application was filed at a time when mail service to the United States Patent and Trademark Office was disrupted, the undersigned attorney believes that this correspondence may have been damaged or lost as the result of mail decontamination procedures.

The number of the Express Mail mailing label – EL 541891265US – was placed on the papers that constitute the correspondence prior to the original mailing by "Express Mail."

This petition includes:

- a copy of the originally deposited specification, one drawing figure, a transmittal letter, and a pre-addressed return post card receipt that constitute the correspondence showing the number of the Express Mail mailing label thereon; and
- a copy of the Express Mail mailing label showing October 23, 2001, as the "date-in."

This petition does not include a copy of a returned postcard receipt, as the postcard receipt was not returned.

The undersigned attorney declares that an envelope containing correspondence including a specification, one drawing figure, a transmittal letter, and a pre-addressed return post card receipt, as identified above, was mailed to the United States Patent and Trademark Office by Express Mail on October 23, 2001, and that the attached copies of the correspondence and the Express Mail mailing label are true copies of the originals.

Respectfully submitted,

January 14, 2002  
DATE

By: George Wheeler  
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